

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
	:	
v.	:	CRIMINAL ACTION NO.
	:	1:06-CR-417-TCB-CMS
OGINGA KAI EDWARDS,	:	
BOP ID 58483-019,	:	
Defendant.	:	

**FINAL REPORT AND RECOMMENDATION**

Federal inmate Oginga Kai Edwards has filed a “Motion Asking Court[’]s Permission to File Second + Successive 2255 Vacate Sentence” [70] in which he alleges that United States Supreme Court decisions handed down since his earlier motion to vacate his sentence was denied in 2010 [68, 69] now entitle him to relief.

Because permission to file a second or successive motion must be sought and received from “a panel of the appropriate court of appeals,” 28 U.S.C. § 2255(h), rather than this Court, the undersigned **RECOMMENDS** that Mr. Edwards’ motion [70] be **DENIED WITHOUT PREJUDICE**.

The undersigned further **RECOMMENDS** that Mr. Edwards' accompanying "Motion to Proceed In Forma Paup[er]is" [71] be **DENIED AS MOOT**.

Finally, to the extent that this Court must grant or deny a Certificate of Appealability, the undersigned **RECOMMENDS** that a Certificate of Appealability be **DENIED** because Mr. Edwards has not demonstrated that he meets the requisite standard. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (emphasis added); see also *Spencer v. United States*, 773 F.3d 1132, 1138 (11th Cir. 2014) (en banc).

The Clerk is **DIRECTED** to terminate the referral of this case to the undersigned.

**SO RECOMMENDED AND DIRECTED**, this 28<sup>th</sup> day of September, 2015.

  
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CATHERINE M. SALINAS  
UNITED STATES MAGISTRATE JUDGE